REMARKS

In the present application, claims 1-9, 11-21 and 23-28 are pending. Claims 1-9, 11-21 and 23-28 are rejected. Claims 1-9, 11-21 and 23-28 are believed to be in condition for allowance.

Claim Rejections – 35 USC § 103(a)

The Examiner rejected claims 1-2, 4-5, 9, 11-14, 16-17, 21 and 23-28 as being unpatentable over Brennan et al. (U.S. 5,329,578) in view of Bissell (U.S. 5,243,645) "previously cited by the Examiner" hereinafter referred to as Brennan and Bissell.

With respect to claim 1, the Examiner asserted that Brennan teaches various recited elements of the claim. The Examiner further asserted that "Brennan differs from the claimed invention in that it does not teach a system for modifying the user-specified profile based upon a location of the user. However, Bissell teaches the recited feature that described in the Abstract; column 1, line 59 – column 2, line 12; and column 5, lines 13-34 wherein the subscriber database (e.g., user-specified profile) is automatically updated (e.g., modified) with the subscriber's current location in response to location where a transaction is made by the subscriber. Therefore, integrating Bissell's teachings into communication system of Brennan would have been obvious for providing the call recipient subscriber more freedom to travel wherever he wishes without missing calls directed to him.

Applicants note that the Examiner did, in fact, previously cite Bissell when rejecting claim 1 in the Office Action of October 4, 2005 wherein the Examiner asserted that "Brennan differs from the claimed invention in which it does not teach a system for modifying the user-specified profile based upon a location of the user. However, Bissell teaches the recited feature at column 2, lines 6-11." After the Applicants filed a response to the Office Action of October 4, 2005, the Examiner issued another Office Action wherein the finality of the previous rejection was withdrawn while asserting that "Applicant's arguments with respect to claims 1-9, 11-21 and 23-28 have been considered but are moot in view of the new ground(s) of rejection." The Examiner, rejecting claim 1, continued by asserting, in now familiar language, "Brennan differs from the claimed invention in which it does not teach a system for

modifying the user-specified profile based upon a location of the user. However, Fuller teaches the recited feature ...".

Now, in response to the previously filed amendment, the Examiner has come full circle by asserting that "Applicant's arguments with respect to claims 1-9, 11-21 and 23-28 have been considered but are moot in view of the new ground(s) of rejection ... Brennan differs from the claimed invention in that it does not teach a system for modifying the user-specified profile based upon a location of the user. However, Bissell teaches the recited feature ...".

Applicants respectfully disagree with the Examiner's assertion. While the Examiner is once again correct in asserting that Brennan does not teach "modifying the user-specified profile based upon a location of the user", neither does Bissell teach this recited element. In addition, as Bissell is directed, generally, to automatically updating a data record in a centralized database to enable call forwarding, there is provided no motivation, in either Brennan or Bissell, for combining the automatic system of Bissell with the user defined profile of Brennan.

Claim 1 recites:

> 1.   A telephone system for connecting callers and users, comprising:
> user-specifiable means for defining at least one filter for filtering
>   incoming calls and taking user-definable responses on
>   incoming calls that satisfy the requirements of said at least
>   one filter, in which:
> the user specifies a profile;
> the user has the option of modifying parameters of the specified
>   profile, including specifying at least one filter in the profile
>   and specifying user-specifiable parameters thereof,
> the telephone system includes means for guiding the user through a
>   setup sequence; and
> the telephone system includes means for applying the user-

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> specified profile and for modifying the user-specified
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> profile in response to a location of the user.

First, Applicants note that the Examiner incorrectly asserts that Bissell teaches "a system for modifying the user-specified profile **based upon** a location of the user ". (emphasis added). In fact, claim 1 was previously amended to recite "modifying the user-specified profile **in response to** a location of the user." Applicants respectfully assert that neither Brennan nor Bissell teach this element, nor does the Examiner assert that they do. For this reason alone, claim 1 is in condition for allowance.

As noted, there is claimed the telephone system modifying the user specified profile in response to a location of the user. It is specifically noted that the modification is applied to a user specified profile. It is further noted that, elsewhere in claim 1, there is recited that the user specified profile is comprised of at least one filter and specified parameters. In contrast, Bissell merely teaches updating a database record "that indicates the status of the subscriber's availability." The database record of Bissell is not "user specifiable" and, hence, is not equivalent to the recited user specified profile.

Turning to the Examiner's citation at column 1, line 59 – column 2, line 12, Bissell states that

> In accordance with the present invention, a subscriber who is traveling
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> away from his or her home or office can have calls forwarded to a different
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> location that is determined automatically when the subscriber engages in a
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> transaction or activity that indicates his or her location. Advantageously,
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> this transaction/activity can be any action that causes an electronic
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> database to be updated with information that directly or indirectly is
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> indicative of the subscriber's whereabouts, either specific or general.
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> Examples include the authorization/verification processing associated with
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> the use of a credit card at a location such as a hotel or airport, the making
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> of a long distance telephone call with a credit card that identifies the
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> subscriber, or the use of an Automated Teller Machine (ATM).

When the transaction or activity occurs, information describing both the
subscriber and his/her location is forwarded to a centralized database in
order to **update a subscriber database record** that indicates the status of
the subscriber's availability, and if or where the subscriber may be reached.

As is evident, Bissell describes updating a subscriber database record. Elsewhere, at
the Examiner's citation at column 5, Bissell likewise teaches transmitting "information to
database 150 that allows the subscriber's database record to be updated with information
describing the subscriber's current location." Applicants respectfully maintain that the
Examiner is in error when asserting that Bissell teaches a "subscriber database (e.g., user-
specified profile)." Bissell nowhere teaches that the subscriber database is user-specified.

While it is therefore evident that there is nothing in the teachings of Bissell regarding
such updates to indicate that the database record is "user specified" it is necessary to examine
the actual structure of the database record in order to determine if such user specification is
elsewhere taught. The structure of a database record is illustrated in Fig. 5 and described at
column 10, lines 8-51. It is evident from an inspection of Fig. 5 and the accompanying
explanatory text that the first eleven fields of the database structure are numeric numbers or
PLN identifiers and, as such, do not qualify as filters nor are they user-specified. Likewise
fields 408 and 409 are described to "contain callback information assembled for the
subscriber from calls that were attempted but not completed." As such, they are neither user-
specified, nor do they constitute a filter or filters. The only remaining field, field 407, is
described as "containing several flags that determine the services and preferences established
for the subscriber" (emphasis added). Note that not one of these flags is established **by** the
subscriber. In addition, the flow charts of Figs. 3 and 4 indicate nowhere that a database
record can be user specified.

There is quite simply nothing in the teachings of Bissell to teach or otherwise suggest
that it is a "user specified profile" that is being modified by the system in response to a
location of a subscriber. Rather, it is specifically illustrated and described that the database

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record is only modified by a host computer or transaction processor. Therefore, the Examiner is incorrect in asserting that Brennan "does not teach a system for modifying the user-specified profile in response to a location of the user. However, Bissell teaches the recited feature …". As has been shown, Bissell does not teach modifying a **user specified profile**.

In addition, as noted above, neither Brennan nor Bissell provide a motivation to combine their teachings, such a combination neither suggested nor deemed appropriate. Brennan discloses, generally, a subscriber accessible and modifiable profile. Referring to the Examiner's reference to Column 13, lines 4-56, it is stated that "FIGS. 3b to 3e show a number of possible parameters that the subscriber can change from his or her profile." It is further noted that "The Subscriber Service Interface is directly accessed by the subscriber calling a special number …". While describing in every exemplary embodiment, in considerable detail, the manner in which a subscriber can "change his or her profile", there is nowhere described a preference or parameter modified by an outside event or entity, such as a transaction as taught by Bissell. As noted in the Abstract, "the subscriber is given control over how the system will work for them in routing incoming calls." The description of Fig. 3b states "FIG. 3b is a general subscriber service interface flowchart showing how to specify a new location." As is evident from Fig. 3b, there is illustrated a method by which a subscriber can change his or her location. As a result, Brennan nowhere teaches or suggests the utility or desirability of providing modification to a subscriber's profile by any entity other than a subscriber. As noted above with reference to the Abstract, the subscriber has control over how the system works. This stated attribute of the system of Brennan does not suggest a combination with a teaching, such as that of Bissell, wherein the system is granted control over how the system works absent an input by the subscriber.

It is therefore evident that Bissell does not teach or suggest modifying the user-specified profile in response to a location of the user as recited in claim 1. As such, the combination of Brennan and Bissell, such a combination neither suggested nor deemed appropriate, similarly fails to teach this element. In addition, regardless of this deficiency in the teachings of Brennan and Bissell, there is provided no motivation to combine the teachings of Brennan with that of Bissell. As a result, the Examiner's rejection is respectfully

traversed and it is asserted that claim 1 is in condition for allowance. . As all of claims 2, 4-5, and 9, 11, and 12 depend upon claim 1, they are likewise in condition for allowance. Claim 13 similarly recites "where the instructions further operate to modify the profile based upon a location of the user". As a result, for the reasons discussed above, claim 13 is likewise in condition for allowance. As claims 14, 16, 17, 21, and 23 depend upon claim 13, they are likewise in condition for allowance. Both of claims 24 and 26 recite language similar to claim 1 regarding modifying the profile based upon a location of the user. As a result, claims 24 and 26 are likewise in condition for allowance. As claims 25 and 27-28 depend upon claims 24 and 26, they are likewise in condition for allowance.

The Examiner rejected claims 3, 6-8, 15, and 18-20 as being unpatentable over Brennan et al. in view of Bissell and in further view of Shaffer et al. (6,600,817). Specifically, the Examiner asserted that "The integrated system of Brennan and Bissell fails to teach the limitations of claims 3, 6-8, 15 and 18-20. However, Shaffer teaches the recited limitations substantially as claimed . . .".

Neither Brennan nor Bissell nor Shaffer, taken alone or in combination, such a combination neither suggested nor deemed appropriate, teach or suggest a telephone system wherein the telephone system modifies the user specified profile in response to a location of the user as recited in independent claims 1 and, similarly, in claim 13.

Therefore, for the reasons discussed above, claims 1 and 13 are in condition for allowance. As a result, as claims 3, 6-8, 15, and 18-20 depend upon claims 1 and 13, they are likewise in condition for allowance.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Respectfully submitted:

(signature)   2/13/2007

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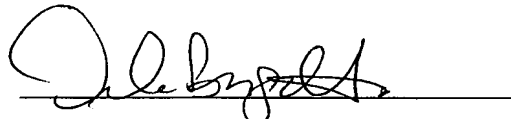Telephone: (203)925-9400
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